

## Remarks

In response to the Office Action dated April 08, 2008, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 31-33 and 36-42 are currently pending. Claims 31 and 41-42 have been amended to correct matters of form such that no new search is required. No new matter has been added. Applicant respectfully asserts that all claims are in condition for allowance as set forth more fully below.

## 103 Rejections

### Claims 31-33 and 36-38

Claims 31-33 and 36-38 stand rejected under 35 USC 103(a) as being unpatentable over Masek (US Pat. 5,272,749) in view of Fleischer (U.S. Pat. 6,411,699). Applicant respectfully traverses the rejections.

It is respectfully submitted that the combination of Masek and Fleischer fails to describe each of the features recited in claim 31. For example, independent claim 31 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising...storing the subscription codes in a look up table...the look up table containing associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber ...”.

The Office Action rejects independent claim 31 by asserting that Masek describes some of the claim elements but concedes on page 3 and 4 that Masek fails to describe, among other elements, a “...look up table containing associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber corresponding to different originating regions based at least in part on the subscription code...”. The Office Action proceeds by asserting that Fleischer cures the conceded discrepancies of Masek. In support of its assertion, the Office Action specifically cites the Abstract; Col. 8, l. 63- Col. 9, l. 49 and Col. 10, l. 39-65 of Fleischer. Applicant respectfully but completely disagrees.

Applicant respectfully points out that Fleischer is concerned merely with single telephone number **routing for a single subscriber**. Throughout, Fleischer describes only a single **telephone number** that is associated with **a single subscriber** being called by a customer where the location of the customer determines which local area office of the **single subscriber** is actually rung up. (See, e.g., Abstract l. 3-6; Col. 9, l. 13; Col. 13, l. 18-41; Col. 14, l. 28-33). Although Fleischer does mention a lookup table associating the caller's zip code with a terminating telephone number at the single subscriber, Fleischer is utterly silent concerning a "...look up table containing associations of the **subscription code to multiple telephone numbers each telephone number being associated with a different subscriber** corresponding to different originating regions based at least in part on the subscription code...".

For example, there is simply no description of the use of a look up table containing associations of the recited subscription codes to telephone numbers. Fleischer only describes the association of zip codes to telephone numbers. A zip code is not a subscription code because a zip code is geography based and applies to multiple entities where a subscription code is not geography based and applies to only service subscribers.

Further, assuming for the limited purpose of this argument that a zip code may be a subscription code, there is no description of an association of a single zip code to multiple telephone numbers, each telephone number being associated with **a different subscriber**. All of the associations in the Fleischer look up table are concerning the association of a zip code to a telephone number of **a single subscriber**.

The mere disclosure in Fleischer of a lookup table that associates a caller's zip code to a telephone number for a single subscriber is simply not relevant to the question of whether the combination of Masek and Fleischer describes a "...look up table containing **associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber...**" In Fleischer there is simply no description of a subscription code being associated with telephone numbers of multiple and different subscribers.

Because the Office Action concedes that Masek fails to describe a "...look up table containing associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber corresponding to different

originating regions based at least in part on the subscription code...” and Fleischer is completely unconcerned with describing a “...look up table containing associations of the subscription code to multiple telephone numbers each telephone number being associated with a different subscriber corresponding to different originating regions based at least in part on the subscription code...”, Applicant respectfully asserts that the combination of Masek and Fleischer fails to describe each and every claim element. Therefore, the Office Action has failed to establish a prima facie case of obviousness and independent claim 31 is allowable over the combination of Masek and Fleischer for at least this reason.

Further, Applicant respectfully points out that the current Office Action is now asserting that Masek describes “...storing the subscription codes in a lookup table...” and “...retrieving a telephone number from the lookup table...[wherein the telephone number are substantially permanently assigned to the subscription code...]” However, on page 3 of the Examiner’s September 11, 2007 Office Action, Applicant respectfully points out that the Examiner previously conceded that Masek does not describe “...storing the subscription codes in a look up table, stored within a controller...” or “retrieving a telephone number from the lookup table...” Applicant respectfully asserts that reneging on a previous concession relied on by the Applicant unfairly prejudices Applicant’s position given the current final rejection. In the previous response, Applicant did not find it reasonable to argue a point already conceded. In light of the fact that a premature final rejection cannot be advanced as a ground for appeal, Applicant respectfully requests reconsideration of the finality of the current Office Action and further requests that the finality of the current Office Action be withdrawn. (MPEP §706.07(c-d)).

In the alternative, Applicant respectfully asserts that Masek fails to describe the subject matter asserted to Masek by the Office Action. In its rejection, the Office Action cites Col. 15, l. 22-25 and Col. 16, 24-30 in support of this new assertion in regard to Masek.

However, Applicant respectfully points out that the cited portions of Masek describe an integrated system of three translator tables used to translate the key strokes making up the sting “CAR CITY#” on a digit by digit basis. Masek does not describe **storing subscription codes in a lookup table** as recited in the claims because a mere

translation scheme works by looking up replacement digits. Although the digits and relationships between digits are stored in a table Masek does not store the entire subscription code in a look up table. There would be no need of a digit-by-digit translation scheme if a direct look up of the entire subscription code was possible.

As such, when the claim is considered as a whole, Masek fails to describe “...storing the subscription codes in a look up table, stored within a controller...” or “retrieving a telephone number from the lookup table...”. Masek merely describes an algorithm to decode an alphanumeric string and does not describe storing subscription codes in a look up table or retrieving telephone numbers from a look up table.

Applicant respectfully reiterates from the discussion above that Fleischer fails to describe the use of subscription codes at all and therefore cannot cure these additional discrepancies in Masek because Fleischer also fails to describe “...storing the subscription codes in a look up table, stored within a controller...”. Because the combination of Masek and Fleischer fails to describe each and every element of independent claim 31, the Office Action has failed to establish a prima facie case of obviousness. As such, independent claim 31 is allowable over the combination of Masek and Fleischer for at least this additional and independent reason.

Independent claims 33 and 36 recite similar subject matter and are therefore allowable for at least this reason. Claims 32 and 37-38 depend from an allowable independent claim 31 or 36 and are allowable for at least this same reasons.

Further, in regards to independent claim 33, Applicant respectfully asserts that the combination of Masek and Fleischer fails to describe additional claim elements.

Independent claim 33 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising...provisioning a customized dialing plan trigger on at least one switch within the geographical area, wherein the customized dialing plan trigger is adapted to detect calls initiated by callers using one of the subscription codes;

sending an Info\_Analyze message to query the controller for call routing instructions when a call initiated by a caller using the subscription code is detected at a switch, the query including a translation type, an origination point code, the subscription code and a time of day when the call was initiated;

receiving an Analyze\_Route message containing a plurality of telephone numbers from the look up table containing associations of the subscription code to multiple telephone numbers based at least in part on the subscription code and the time of day

when the call was initiated, wherein the telephone numbers are substantially permanently assigned to the subscription code...”

Applicant respectfully notes that on pages 4-5, the current Office Action concedes that Masek fails to describe “provisioning a customized dialing plan trigger on at least one switch within the geographical area, sending a Info-Analyze message to query the controller for call routing instructions when a call initiated by a caller using a subscription code is detected at a switch, the query including a translation type, an origination point code, the subscription code and a time of day when the call was initiated, retrieving an Analyze\_Route message containing a plurality of telephone numbers from the look up table containing associations of the subscription code to multiple telephone numbers based at least on the subscription code and the time of day when the call was initiated”. The Office Action proceeds by asserting that Fleischer cures these discrepancies of Masek.

In Fleischer, the Office Action cites the Abstract; Col. 8, line 63-Col. 9, line 49; and Col. 10, l. 39-65 in support of its assertions. However, the cited portion of Fleischer merely introduces an Artificial Intelligent Network (AIN) and describes that the AIN includes a service for accessing a subscriber’s service plan logic using a **telephone number** input by the calling party, describes a device for transmitting and receiving a query to determine a zip code from a database associated with the calling party and describes a look up table for associating each zip code within a subscriber service area with a predefined terminating telephone number.

Applicant respectfully points out that the cited portions of Fleischer, and Fleischer in general, utterly fail to cure these additional discrepancies of Masek. For example, independent claim 33 specifically recites the use of an Info\_Analyze message, a customized dial plan trigger, an Analyze\_Route message, a translation type and an origination point code. Applicant respectfully points out that Fleischer fails to describe any of these specific claim features. To the contrary, Fleischer only describes the use of “dialed line number” triggers (Col. 16, l. 42 and 56-64), “terminal attempt” triggers (Col. 16, l. 65), “3/6/10 digit” triggers (Col. 17, l. 41), and “GetData” queries (Col. 22, l. 14) in its system. Fleischer simply fails to describe the use of an Info\_Analyze message, a customized dial plan trigger, an Analyze\_Route message, a translation type and an

origination point code

Therefore, since independent claim 33 contains at least one additional element not described by the combination of Masek and/or cured by Fleischer, independent claim 33 is allowable over the combination of Masek and Fleischer for at least these additional reasons.

#### Claims 39-42

Claims 39-42 stand rejected under 35 USC 103(a) as being unpatentable over Masek in view of Fleischer and further in view of Crockett (US Pat. 5,590,188). Applicant respectfully traverses the rejections.

Amended independent claims 39, 41 and 42 each recite similar recitations to those discussed above in regard to claims 31-33 and 36-38. As a representative sample, independent claim 39 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising...storing the subscription codes in a look up table...querying a controller for call routing instructions when a first call initiated by a first caller using a subscription code is detected at a switch...retrieving a plurality of telephone numbers from a **look up** table containing associations of the subscription code to multiple telephone numbers...”.

As discussed above in regards to independent claims 31, 33 and 36, the combination of Masek and Fleischer fails to describe, among other features “storing the **subscription codes in a look up table**”.

Applicant respectfully notes that Crockett also does **not** address “storing the subscription codes in a look up table...[and] retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers”. Because Crockett is not concerned with “...storing the subscription codes in a look up table, stored within a controller...”, “...querying a controller for call routing instructions when a first call initiated by a first caller using a subscription code is detected at a switch...” or “retrieving a telephone number from the lookup table containing associations of the subscription code to multiple telephone numbers ...”, Crockett fails to cure the deficiencies of Masek and Fleischer. Therefore, the Office Action has failed to establish a prima facie conclusion of obviousness. As such, independent claim 39 is

allowable over the combination of Masek, Fleischer and Crockett for at least this reason.

Independent claims 41 and 42 recite similar subject matter and are therefore allowable for at least the same reason. Claim 40 depends from an allowable independent claim 39 and is therefore allowable for at least this same reason.

#### Conclusion

Applicant asserts that the application including claims 31-33 and 36-42 is in condition for allowance. Applicant requests reconsideration in view of the amendment and remarks above and further requests that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: June 02, 2008

/Arno T. Naeckel/

Arno Naeckel  
Reg. No. 56,114

Withers & Keys, LLC  
P.O. Box 71355  
Marietta, Ga 30007-1355  
(678) 565-4748